

## BEAUTIFUL IAO VALLEY

### The Argument Is On In Water Contest.

A. S. Hartwell personally conducted a mental excursion into the beautiful Iao Valley, Maui, before Judge De Bolt yesterday afternoon. This was in his opening of the argument for plaintiff in the water rights injunction suit of Hawaiian Commercial & Sugar Co. against Walluku Sugar Co. W. O. Smith was present and announced by Mr. Hartwell as associate counsel for plaintiff. W. A. Kinney appeared for defendant.

"Do you desire to put on any additional evidence, gentlemen?" the court asked.

"Here are 990 pages," Mr. Smith answered, tapping a pile of taped bundles of legal cap paper.

There were sheaves of memoranda, including unbound sheets of Vol. 14 Hawaiian Reports, under Judge Hartwell's hands, while on the clerk's table maps and deeds and Commissioner J. F. Brown's formidable report just filed were heaped.

Judge Hartwell, in his opening, laid great stress upon the importance of the court's having a clear vision of the topography of the Walluku river's watershed. And he described that beautiful landscape with a deftness of word painting which would not have discredited Bayard Taylor or even Washington Irving. The task was lightened to some extent by Judge De Bolt's saying, in answer to a question, that he had been privileged, in propria persona, to have visited Walluku.

One of the first things to argue for the plaintiff was that the controversy was not res adjudicata, or settled previously to a finality in the courts. These points were urged as having been settled:

That surplus water was that which was in excess of water used by those having prescriptive rights thereto and which if not utilized by others would run to waste.

That former decisions related to surplus water and did not affect the present contention that the Walluku Sugar Co. was using water to which it did not, but to which the Hawaiian Commercial & Sugar Co., Ltd., did, have prescriptive rights.

That while both parties owned lands having from early times prescriptive rights to water from Walluku river, the Walluku Sugar Co. was diverting such water to land a mile away which never had prescriptive rights thereto.

That certain rights the Walluku Sugar Co. claimed now had been obtained since the beginning of the cause of the present action. This referred to the Waiakapu purchase.

It was related by Judge Hartwell that the suit of Claus Spreckels against the Hawaiian Commercial & Sugar Co., on his claim of personal ownership of water rights vested in certain land, had been compromised after Baldwin and Castle obtained the control of the H. C. & S. Co.

Judge Hartwell will conclude his address this morning, to be followed by Mr. Kinney for the defendant.

Commissioner Brown yesterday filed his account for services, charging \$2,040 or \$20 a day for 102 days on his own account and \$963.90 expenses.

**SOUTH STREET INJUNCTION.**  
Henry E. Cooper, Superintendent of Public Works, and Charles B. Wilson, Road Supervisor, have filed an answer to the amended complaint of Kapiolani Estate, Ltd., for injunction on South street improvement operations.

They allege that all the land in question is and has been from time immemorial owned by the Territory of Hawaii and its predecessors, in fee simple, as Government land, and defendants further allege that said Government of the Territory of Hawaii is entitled to the exclusive use and possession of said premises.

They deny that they or either of them, together with a large force of men by them employed or working under their order or authority, are now engaged, or ever were engaged in an unlawful attempt to take possession of the premises in question on South street.

Defendant Wilson admits that he took possession of the premises in his official capacity, for the purpose of constructing and macadamizing the westerly line of said South street.

Defendants say they at no time broke, or removed, or caused to be broken or removed any valuable fences

or cut down or uprooted any valuable ornamental trees or shrubs, or trespassed in any way upon any of the lands or property of the plaintiff, but that all work was done by them within the public highway of South street in repairing and improving such highway and upon land belonging to the Territory of Hawaii.

#### DR. CARTER'S CHILDREN.

Edgar Henriques petitions that he be appointed guardian of Thomas J. Henry C. William L. Eunice K. Beatrice K. Albert B. Harriet K. and Richard N. K. Carter, minor children of Albert B. Carter ranging from fourteen to three years of age. It is stated that the minors are entitled to a two-thirds interest of the income under the trust created by the will of Margaret V. Carter, deceased, which amounts to \$1000 a year and to which they are entitled in equal proportions.

#### REDWARD'S DEBTS.

The A. Harrison Mill Co., has brought an action to enforce a materialman's lien for a balance of \$3906.26 against F. H. Redward, contractor, and F. M. Swamy, owner.

Constant Sterling, paper-hanger and painter, has brought an action to enforce mechanic and materialman's lien for \$257.48 against F. H. Redward and F. M. Swamy.

#### THE SPRECKELS SUIT.

Deputy Sheriff McGurn served the summons in the big ejectment suit of Emma Claudina Spreckels Watson against Claus Spreckels on W. M. Giffard, attorney in fact for Claus Spreckels.

#### VARIOUS ITEMS.

Manuel S. Deponte has been licensed by Judge De Bolt to practice law in the lower courts. He is a citizen of the Territory, was educated at St. Louis college and Oahu college, and taught school at Makawao, Maui.

Pacific Mill Co. makes answer of general denial to the complaint of Enterprise Mill Co.

American Bridge Co. vs. Hawaiian Engineering & Construction Co. is discontinued.

#### DIVORCE CASES.

Charles Blake has moved to quash summons in the divorce suit his wife has brought.

Lorrin Andrews, attorney for libellant in the divorce suit of Harry W. Flint vs. Nina I. Flint, has filed exceptions to Judge De Bolt's dismissing of the bill.

## TIME NOT UNLIMITED

Readers of the Advertiser ought not to entertain the error that Hawaii is to have a building of its own at the St. Louis Exposition. The abandonment of that project has been related by this paper before.

Even without a building to equip and fill up with exhibits, however, there is none too much time left for preparation if an attractive and comprehensive display is to be made. A member of the Exposition committee said yesterday that advice from the management of the fair were to the effect that it would be necessary for an application to go forward soon for a definite area of space required for the Hawaiian exhibit. The alternative is a liability of being shut out altogether or else squeezed into an insignificant niche.

Another requisite that is recognized is the early appointment of the commissioner to have charge of the exhibit. Whoever it may be, he ought to share in the work of assembling the exhibits from the start, so that he may be familiarized with every division and its component articles before shipping, and equip himself with a catalogue showing the contents of different packages as identified by marks.

Everything should be ready to ship, and the commissioner to start, for St. Louis not later than the first of January. Making allowances for delays in transportation and a variety of impediments almost certain to be met on the ground, three months is not too long a time for getting there with the exhibits and installing them in good style.

#### Kapiolani Estate Offices.

The Kapiolani Estate, Ltd., has handsome offices in the new building named after its patronymic of revered memory. They occupy the corner looking out on King and Alakea streets, also having a view of Capitol square. The directors' room is spacious, well furnished and decorated with pictures many of which have much historical interest. A bust of King Kalakaua occupies a corner.

The public business office, with bank-screen counter, and the manager's private office, both lead into the directors' room. There is a fine and burglar-proof vault in the manager's office, with modern fittings such as initialed boxes for documents. Opening out from the private office hallway are a bathroom and a small lavatory room.

Altogether it is one of the suggest business suites in town as well as one of the most elegant.

## INSANE ASYLUM REFORMS ARE INAUGURATED

### The Board of Health Is Not Favorable to the Proposed New Asylum Site.

There was a long order of business, including some matters of great public interest, gone through with by the Board of Health yesterday. Conditions at the Insane Asylum received practical attention, incidentally bringing up the question of a new site for rebuilding upon. The Molokai transportation and palai contracts were awarded. Tuberculosis amongst cattle on the other side of this island was pointedly brought to the attention of the meeting. The Board's pay roll was reviewed and the annual visit to the Leper Settlement discussed, besides which several other matters of more or less popular concern were considered.

Those present were: Dr. C. B. Cooper, president; Dr. W. H. Mays, E. C. Winston, Fred C. Smith, Mark P. Robinson, members; C. Charlock, secretary; Miss Mae Weir, stenographer.

**HILLO VETERINARY INSPECTOR.**  
Wm. H. Jones, D. V. S., by letter offered to serve as veterinary inspector for Hilo without compensation, he having been informed from previous meeting that there was no appropriation. The offer was accepted.

**TRANSPORTATION CONTRACT.**  
The tender of Wilder's Steamship Company for freight and passenger service to the Leper Settlement, with a letter relative to the freight service, was received and on motion accepted. The tender was "for a freight and passenger service for a period of six months ending December 30, 1903, between Honolulu, Kaula, Kaula, Pukoo, Halawa, Wallau, Pelekunu and Kalaupapa (Molokai); Lahaina (Maui), and Kahalapala (Lanai), by a passenger steamer, for the sum of fifty dollars (\$50) per week. Service to be made weekly; the rate of service to consist of a call of once a week at the ports named, excepting that should the state of weather prevent the landing of palai at Kalaupapa on the first call, a second call is to be made at Kalaupapa for the purpose of landing palai, weather permitting."

In the company's letter, by C. L. Wright, president, it is stated that if the understanding is correct that the Board had contracted with the Parker ranch for the delivery of cattle at the Settlement for two years, that portion of the contract would be waived. The tender is further made subject to the condition that the steamer receiving the contract shall be paid the subsidy of \$50 a week additional granted by the Legislature for a common carrier service between Honolulu, Molokai, Maui and Lanai by a passenger steamer.

It is already reported in the Advertiser. It is the intention of the company to place the coming new steamer of its fleet in this service.

#### TANNERY PROJECTED.

W. H. Heine wrote for permission to locate a tannery somewhere in the vicinity of Honolulu. It would be a small concern, with a capacity of 10 to 20 hides a day.

Dr. Cooper remarked that while a tannery was not supposed to be an insanitary establishment, it had disagreeable concomitants which made it objectionable within a town.

It was suggested that a site down the railroad might be obtained by the applicant and the matter was left to be dealt with by Dr. Pratt, chief health officer, on his return from Hawaii.

#### NEW FISH MARKET.

Mr. Robinson orally reported for the committee on Wong Leong's application for leave to open a fish market. The enterprise appeared to be under promotion by the same parties as were represented in the scheme of W. C. Achi previously before the Board.

Dr. Cooper repeated what he had said at last meeting on an application of the same kind from Hilo, that the Board had nothing to do with the site of a private market. Its jurisdiction began with the regulating of the sanitary condition of such a place.

On the president's suggestion the matter was referred, like that from Hilo, to the Superintendent of Public Works.

#### THE INSANE ASYLUM.

Dr. Mays read the following report of his own from the Insane Asylum committee, on which action was taken as noted below:

"As chairman of the committee on Insane Asylum, I beg to make the following report and suggestions. 'I find that the attendants work in eight-hour shifts. This is a custom to be condemned. Attendants should do their regular day's work and be relieved in the evening, as in all hospitals, by the night attendants.'"

"Attendants wishing leave of absence have hitherto been allowed to provide a substitute to temporarily fill their place. This is a custom also open to criticism. The selection of an employee, either temporary or otherwise, is a duty and a responsibility that belongs entirely to the superintendent."

"The names of all persons employed in the Asylum under pay, whether temporarily or otherwise, should appear on the monthly pay roll. No disbursement, however small, should be made by the superintendent without the proper voucher therefor."

"Turning to the women's department, there is much that needs to be done. First and foremost is the urgent need of a matron of the institution, in whose hands should be intrusted the internal management of the female department together with the supervision of the 25 female inmates and their attendants. I am aware that there is no appropriation for the salary of such an official, but I feel it my duty to call attention

to the need of a matron. 'I find also a singular absence of such measures for the protection and seclusion of these hapless creatures as their sex entitles them to. Perhaps no other place in the civilized world could be found where insane patients of both sexes are turned out to occupy all day long the same recreation ground. Yet such is the condition of things here. It is true, the attendants are on the alert to keep the female patients at their end of the ground, and the male patients at the other side, but that does not sufficiently remedy the evil. The only way to do so is to construct a board fence across the recreation ground and continue it so as to enclose the whole female department.'"

"For the protection of the patients, the windows of the female wards require to be barred. One of the dormitories, containing six beds, is entirely without bars, the windows offering every facility for ingress or egress."

"Putting the several recommendations into the form of a motion, I move:

#### THE ACTION TAKEN.

"1. That the present arrangement of eight-hour shifts for attendants be abolished at the end of the present month, and that a system of day and night service be substituted therefor."

Referred to Dr. Malster, superintendent.

"2. That the attendants be no longer required to provide a substitute for temporary absences, that duty belonging to the superintendent."

Adopted.

"3. That the superintendent shall see that the pay roll fully sets forth the names of every person employed, with the amount due to each person."

As the law requires this, no action was deemed necessary.

"4. That a matron be appointed, if any way can possibly be found to do so, preferably one who has had experience in insane asylum work."

Carried.

"5. That a six-foot board fence be erected, enclosing the female department and the female recreation ground."

Deferred till next meeting.

"6. That bars be placed on all the windows of the female wards and dormitories."

Adopted.

#### NEW ASYLUM SITE.

Incidental to the foregoing, the question of a site for the new asylum buildings provided for in the loan appropriations by the Legislature was discussed.

The site at Kalihi reported the other day as having been as good as selected did not seem to meet with any favor. It was objected to it that, being in the path of city expansion as well as lying between Honolulu and the Pearl Harbor naval station, the location would ultimately come to lack the desirable quality of privacy. With the railway on one side and the electric car line on the other it would not have the essential element of quietness. Moreover, the projected hotel ranch at the Herbert place would be in too close proximity.

The asylum committee was advised to keep an eye out for a site and ascertain what government land might be available therefor.

#### TUBERCULOSIS IN CATTLE.

A letter dated July 14 was received from C. Bolte, saying:

"I have received on my Heela ranch from August to October last year 25 cows from Mr. H. R. Macfarlane's Ahulimau ranch. Twelve of these cows died during the six months from December to June. Dr. Monsarrat examined the eleventh cow and declared tuberculosis to be the cause of its death. Parts of the lungs of the eleventh and twelfth dead cows I send you herewith. On June 22 Dr. Monsarrat examined the remaining 14 Ahulimau cows and I understand that he found seven of them to be tuberculous. Will you, please, inform me whether Dr. Monsarrat's diagnosis is correct, and, if so, instruct me as to what I am to do with these seven sick cows?"

President Cooper gave the opinion that it was necessary to get at the bottom of this trouble. On his suggestion it was voted that Dr. Pratt make a thorough investigation in his return to Honolulu.

#### VARIOUS MATTERS.

A resolution defining the duties of the president, which the legislature neglected to do while changing the status of the office, was referred to a committee including the Attorney General and Attorney Kane.

Upon the report of a committee of the medical members it was decided to fumigate inter-island steamers once in three months.

S. Keilnoi and D. Pali were awarded the contract for supplying palai to the Settlement, their tender for 80 cents the 25 pounds f. o. b. being the most favorable out of six. The cost will be about \$900 a month and a bond in \$10,000 will be required.

#### VISIT TO MOLOKAI.

With regard to the annual visit of the Board of Health to the Leper Settlement details were left to be arranged by the president, but it was voted as the sense of the meeting that only members of the Board and Government officers having business should form the expedition. The reasons given were that the Legislature's visit with a large train of outsiders had taken place recently, that it was desirable to have the official inspection unimpeded by a crowd and that the accommodations were limited.

### FIRE CLAIM MONEY NEARLY ALL PAID

Three-fourths of the million dollars for the reimbursement of fire claimants has been paid out by the First National Bank. Cashier Cooper stated yesterday at the close of business that the total payments aggregated \$750,000.

The taking up of the bonds authorized by Congress is keeping pace with the payment of the cash. Two-thirds of the \$325,000 issue authorized has been taken in payment for the Territory's share of the fire claims. Yesterday Registrar Hapai announced that \$210,000 in bonds had been sold. Most of this amount went to the Japanese and Chinese claimants, but many individual claimants availed themselves of the privilege of taking bonds in preference to waiting for their sale by the government.

### NEW ASSISTANT FOR ANDREWS

Noah Aluli has been appointed as assistant in the office of Attorney General Andrews, his commission to date from August 1st. Aluli was assistant clerk in the Senate during the regular and extra sessions. He is a graduate of the Michigan University at Ann Arbor and was admitted to the bar in that State. He has also been admitted by the Hawaiian Supreme Court.

### THE BOARD'S TRIP TO MOLOKAI

The annual visit of the Board of Health to the leper settlement will be made on Saturday. The Lehua was chartered yesterday to convey the party to Kalaupapa. The visit will probably be more extended than usual as it is the Board's intention to give a medical examination of such persons where the first diagnosis was somewhat doubtful.

#### Wahiawa Notes.

Many residents of Honolulu are enjoying the bracing air of Wahiawa. The Christian Association cottages, which, by the way, are very neat and cozy, are occupied most of the time.

Miss Harriet Needham returns to Honolulu today, after a week's visit at the colony of the Misses Clark.

The Hawaiian Pineapple Company canned their first fruit yesterday, the 13th. They will have a busy summer. The fruit is very fine. The Hawaiian Fruit and Plant Company are shipping a fine lot to San Francisco.

Mr. Eames is hauling cane to the Waiakapu mill, very good cane grown without irrigation or fertilizer.

In the official advertisement of the salary bill yesterday the salary of the Road Supervisor should have appeared at \$1200 instead of \$10,036.50.

#### SCOTT'S EMULSION

is for babies and children who are thin and pale when they ought to be fat and ruddy; for men and women who are weak and delicate when they ought to be strong and hearty—for all who are not getting proper nourishment from their food.

Poor blood, thin body, open the door for disease. Scott's Emulsion bars the way. Makes the blood richer, produces healthy flesh and above all provides nourishment.

Avoid these so-called wines, cordials and extracts of cod liver oil that are prepared for the taste only, contain none of the value of cod liver oil and which contain a large percentage of alcohol. Scott's Emulsion has been the reliable cod liver oil preparation for over a quarter of a century.

We'll send you a sample free upon request. SCOTT & BOWNE, 409 Pearl Street, New York.

## ALL WANT TRANSPORTS

### The Builders and Traders Are On Record.

The Builders and Traders Exchange added its voice yesterday evening to the general petition by Honolulu Commercial bodies that the United States transports be ordered to again make this a port of call.

A letter to the Secretary of War was drafted and unanimously approved, the exchange establishing a new precedent by ordering that it be given to the press. The petition to be sent to Secretary Root is as follows:

Honolulu, July 16, 1903.

To the Hon. Elihu Root, Secretary of War, Washington, D. C.

Sir: The Builders and Traders Exchange of Honolulu, Territory of Hawaii, would respectfully petition that the United States transport service continue to forward its steamers via the Honolulu route to and from the Philippine Islands and the Orient.

The inducements to the Department in evidence are, the favorable weather conditions by this route, cable communication at three Pacific island stations, free harbor and dock facilities, ample depth of water and safety, ample facilities for repairs, coal supplies and particularly the upbuilding and maintaining of resources for repairs and supplies in his most strategic point in the Pacific and by retention here in time of peace of the skilled mechanics and labor necessary to serve the needs of the United States in time of war.

In turn we, citizens of Honolulu, employ ninety per cent of the skilled labor, believe we should be entitled to all possible governmental support in maintaining an aggressive up to date community, such as will enable us to strengthen the position of the United States to a far greater degree than any other city of its size under the American flag. Certainly the patronage of the government may be of more than temporary benefit to both itself and the citizens of Honolulu in continuing the transport service via the Honolulu route.

Very respectfully,

THE BUILDERS AND TRADERS EXCHANGE.

By its President,

A. GARTLEY.

CITIZEN LABOR.

There was a general discussion of the agitation inaugurated by the Exchange for the use of citizen labor on all contracts. L. E. Pinkham was appointed a committee of one to visit Supt. Cooper in regard to the work on the Kapiolani Maternity Home. It was stated at the meeting that alien labor is employed on the building, and that the Maternity Home receives an allowance from the government. This it is claimed makes the hospital amenable to the new law passed by the legislature prohibiting the employment of any but citizen labor on public works.

A new system of collection was adopted by which all members of the exchange secure the services of the secretary for this purpose for a nominal charge.

### PROGRESS OF THE RAPID TRANSIT

Work on the new Kaimuki line of the Rapid Transit was started by Lord and Belser this week. They have the contract for doing the excavating from the Manoa street out towards Waianae to the crest of the hill. The Rapid Transit is doing all the work of laying the road from the present end of the line to the Manoa stream and expect to have the track laid as far as the stream by the time the contractors have their part of the work finished.

Lord and Belser have sixty-five days in which to do the work, and it is not at all unlikely that they will finish before the expiration of the time allotted. The end of the new line will be nine thousand, five hundred feet from where the line ends now, at the baseball tract.

The line along the waterfront Manager Ballentyne hopes to have in running order the latter part of next week. It is finished from the point where the King street line crosses the Nuuanu stream along the waterfront to the corner of Allen and Alakea streets. The rest of the line from there along Allen street to the Honolulu Iron Works is now in process of construction. When opened for business the Alakea street line will end at the Fishmarket, connecting with the new waterfront line.